

and stimulate activity where metabolism is sluggish, and rebuild the body to healthfulness and happiness; would be invaluable to persons of advanced age or those whose occupations fail to give sufficient exercise; would stimulate bodily activity, improve digestion and elimination, restore bowel activity to normal, improve the circulation of the blood, and generally improve health, were false and misleading since it would not be efficacious for such purposes or accomplish the results claimed.

It was alleged to be misbranded further in that the statements appearing in its labeling, "Ultra Violet Rays * * * Are a Source of Vitamin D, are very beneficial to the upbuilding of the body, due to the difficulty in obtaining these Rays in a sufficient quantity under modern conditions, due to indoor occupations, and climatic conditions, our Laboratories have, after considerable research and experimentation, produced the R & R Ultra-Violet Ray and R diation Machine," were misleading since such statements suggested and created the impression in the mind of the reader that the device would produce ultraviolet rays of sufficient intensity to produce in the body vitamin D in an amount sufficient to compensate in an important respect for the deficiency of vitamin D resulting from indoor occupations and unfavorable climatic conditions, whereas the device would produce ultraviolet rays of very weak intensity and would produce little, if any, vitamin D in the body.

On March 10, 1943, the defendant having entered a plea of not guilty, the case came on for trial before the court. At the conclusion of the testimony the court found the defendant guilty, and on March 22, 1943, imposed a fine of \$250.

982. Misbranding of light bulbs. U. S. v. 240 Light Bulbs. Default decree of condemnation and destruction. (F. D. C. No. 8372. Sample No. 2063-F.)

Examination of these light bulbs showed that with the exception of an all-over decrease in the intensity of the light emanated from the bulb and the elimination of light in the ultraviolet range, their light emission characteristics were not different from those of the ordinary Mazda-type light bulbs.

On September 25, 1942, the United States attorney for the Northern District of Illinois filed a libel against 120 60-watt and 120 100-watt light bulbs at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on August 5, 1942, from Toledo, Ohio, by the Save Electric Corporation; and charging that they were misbranded. The articles were labeled in part: (Shipping and individual cartons) "Doctors Say Verd-A Ray," and (shipping carton only) a design, a picture of a nurse.

The articles were alleged to be misbranded in that the statements and design appearing in the labeling, which represented and suggested that by their use in lieu of ordinary lamps the body supply of vitamin A would be conserved, therefore reducing eye and body fatigue, conserving energy, avoiding poor skin and poor vision, protecting the eyes, and aiding in the regulation of body metabolism, were false and misleading since the articles would not be efficacious for such purposes.

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

983. Misbranding of rubbing compound and aspirin tablets. U. S. v. 49½ Dozen Bottles of Rubbing Compound and 66 Dozen Packages of Aspirin Tablets. Decrees of condemnation and destruction. (F. D. C. Nos. 9094, 9097. Sample Nos. 5362-F, 5963-F.)

On December 30, 1943, the United States attorney for the Southern District of Illinois filed libels against 49½ dozen bottles of rubbing compound and 66 dozen packages of aspirin tablets at Peoria, Illinois, alleging that the articles had been shipped on or about August 29 and October 8, 1942, from St. Louis, Mo., by the Halitosine Co.; and charging that the articles were misbranded. The articles were labeled in part: "Domino Brand Superior Rubbing Compound With Isopropyl Alcohol," or "Domino 100 Tablets Aspirin."

Examination showed that the rubbing compound consisted essentially of water and isopropyl alcohol 23 percent, together with small amounts of boric acid, thymol, menthol, and methyl salicylate. The number of aspirin tablets per bottle varied from 94 to 105, averaging 96.4 tablets per bottle.

The rubbing compound was alleged to be misbranded in that the name of the article and the statements appearing on its label, "Superior Rubbing Compound With Isopropyl Alcohol * * * Use for massaging, sponging, after bathing, cooling and refreshing, for hospital and home," were misleading since such name and statements created the impression that the article was a product extensively marketed as rubbing alcohol compound, a product which contained approximately

70 percent of alcohol, or its equivalent, whereas the article was not such a product but was a preparation containing only 23 percent of isopropyl alcohol.

The aspirin tablets were alleged to be misbranded in that the statement on their label "100 Tablets Aspirin" was false and misleading since most packages contained less than 100 tablets each, and the average contents of the packages was less than 100 tablets.

On April 19, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

984. Misbranding of St. Joseph C-2223. U. S. v. 4½ Dozen and 4½ Dozen packages of St. Joseph C-2223. Decree of condemnation and destruction. (F. D. C. No. 9324. Sample No. 6587-F.)

On February 8, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 4½ dozen 2-fluidounce packages, and 4½ dozen 6-fluidounce packages of the above-named product at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 18, 1942, by the Plough Sales Corporation from Memphis, Tenn.; and charging that it was misbranded. The article was labeled in part: "St. Joseph Laboratories Division of Plough, Inc., New York, N. Y. Memphis, Tenn."

Examination showed that the article consisted essentially of water, alcohol 22.3 percent, sodium salicylate, approximately 81 grains per fluidounce, potassium iodide, approximately 15.4 grains per fluidounce, and glycerine, saccharin, anise, and extracts from plant drugs.

It was alleged to be misbranded in that the statement appearing in its labeling, "through its sedative action aids in lessening the discomfort and pain of Acute Rheumatic Fever and through its antipyretic effect, reduces fever," was false and misleading since such statement represented and suggested that the article was a sedative and was effective in the treatment of acute rheumatic fever, whereas it was not a sedative and was not so effective.

On May 14, 1943, no claimant having appeared and a total of 8½ dozen 2-fluidounce packages and 2¾ dozen 6-fluidounce packages of the product having been seized, judgment of condemnation was entered and it was ordered that the product so seized be destroyed.

985. Misbranding of gauze bandages. U. S. v. 39 Dozen Packages of Gauze Bandages. Decree of condemnation and destruction. (F. D. C. No. 9250. Sample No. 28690-F.)

On January 27, 1943, the United States attorney for the Southern District of Florida filed a libel against 39 dozen packages of gauze bandages at Jacksonville, Fla., alleging that the article had been shipped on or about July 25 and October 1, 1942, from Long Island City, N. Y., by the Gotham Aseptic Laboratories; and charging that it was misbranded. The article was labeled in part: "Deane's Gauze Bandage * * * Sterilized."

The article was alleged to be misbranded in that the statement "Sterilized" appearing upon the package was false and misleading as applied to the article, since it was not sterile but was contaminated with living micro-organisms.

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

986. Misbranding of gauze bandages. U. S. v. 600 Dozen and 120 Dozen Packages of Gauze Bandages. Default decree of condemnation. Product ordered released for sterilization and use by a public agency. (F. D. C. No. 8895. Sample No. 27321-F.)

On November 19, 1942, the United States attorney for the District of Puerto Rico filed a libel against 600 dozen packages of 1-inch and 120 dozen packages of 3-inch gauze bandages at San Juan, P. R., alleging that the article had been shipped on or about June 30, 1942, from New York, N. Y., by the Universal Merchandise Co.; and charging that it was misbranded. The article was labeled in part: "Gauze Bandage * * * Sterilized after packaging Distributors Chatham Sundries Co. New York, N. Y."

The article was alleged to be misbranded in that the statement appearing in its labeling "sterilized after packaging" was misleading since it created the impression that the article was sterile, whereas it was not sterile but contaminated with living micro-organisms.

On January 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered released to be sterilized and thereafter used by the Emergency Medical Services (Civilian Defense) in Puerto Rico, conditioned that the bandages be sterilized before use.